

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

MELVIN TURNER,	:	
Plaintiff	:	CIVIL ACTION NO. 3:13-872
v.	:	(MANNION, D.J.)
		(CARLSON, M.J.)
RAFEL LOPEZ, et al.,	:	
Defendants	:	

ORDER

For the reasons stated in the court's memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

(1) Judge Carlson's report and recommendation, (Doc. No. 34), is

ADOPTED IN FULL;

(2) The defendant's motion to dismiss is **GRANTED;**

(3) The plaintiff's Eighth Amendment claim brought pursuant to 42

U.S.C. §1983 is **DISMISSED WITH PREJUDICE;**

(4) All other state law claims are **DISMISSED WITHOUT**

PREJUDICE;

(5) The Clerk is directed to close this case.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: December 9, 2013

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